

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY LEE GRAY,)	
)	2:07cv487
Petitioner,)	Electronic Filing
)	
vs.)	District Judge Cercone
)	Magistrate Judge Lenihan
DAVID J. WAKEFIELD, Superintendent,)	
SCI-Huntingdon, DISTRICT ATTORNEY))	
OF ALLEGHENY COUNTY; ATTORNEY))	
GENERAL OF THE STATE OF PA,)	
)	
Respondents.)	

MEMORANDUM ORDER

On April 12, 2007, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus (Document No. 1) and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Document No. 20), filed on May 9, 2008, recommended that the Petition for Writ of Habeas Corpus be denied as untimely. The Petitioner was served with the Report and Recommendation and was advised he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9th day of June, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED** as untimely.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Document No. 20) of Magistrate Judge Lenihan, dated May 9, 2008, is **ADOPTED** as the opinion of the court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

Anthony Lee Gray, DF-8536
SCI Huntingdon
1100 Pike Street
Huntingdon, PA 16654-1112

Amy L. Fitzpatrick, Esquire
Office of the District Attorney
401 Allegheny County Courthouse
Pittsburgh, PA 15219